

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

IN RE:)
)
ROBERT PADULA,)
DEBORAH PADULA,) Case No. 11-12985-BFK
) Chapter 13
Debtors,)
_____)

**MOTION TO AUTHORIZE DEBTOR,
DEBORAH PADULA TO PROSECUTE STATE COURT
PERSONAL INJURY ACTION NUNC PRO TUNC AS OF FEBRUARY 6, 2014**

COMES NOW the Debtor, Deborah Padula, by counsel, and files her Motion to Authorize Debtor, Deborah Padula to Prosecute State Court Personal Injury Action Nunc Pro Tunc as of February 6, 2014 and states the following in support of said Motion.

FACTS

1. On April 22, 2011, Robert Padula and Deborah Padula filed a voluntary Chapter 13 Petition in the United States Bankruptcy Court for the Eastern District of Virginia, Alexandria Division, Case No. 11-12985-BFK.
2. On December 15, 2011, the Court entered an Order confirming the Padulas' Amended Chapter 13 Plan filed on November 7, 2011.
3. On August 12, 2012, Deborah Padula was injured in a motor vehicle accident and suffered personal injuries.
4. On February 6, 2014, Deborah Padula filed a Complaint in the Circuit Court of Prince William County entitled Deborah Padula v. Terrence Gregory Maguire and VPSI, Inc., At Law No. CL14-0973 seeking damages arising from her personal injuries in the

amount of \$10,000,000.00.

5. On February 25, 2015, Robert and Deborah Padula filed Amended Schedules B and C listing and exempting Deborah Padula's state court personal injury claim pursuant to Va. Code §34-28.1.

6. The Chapter 13 Trustee consents to entry of an order authorizing Deborah Padula to prosecute said state court personal injury action conditioned on the order stating that before her Chapter 13 case is closed, Deborah Padula shall report to the Chapter 13 Trustee any proceeds received from said state court personal injury action minus attorney's fees paid to Deborah Padula's attorney, damages for medical payments and damages for lost wages.

WHEREFORE, the Debtor, Deborah Padula, by counsel, respectfully requests that this Honorable Court enter an order authorizing Debtor, Deborah Padula to prosecute her state court personal injury action entitled Deborah Padula v. Terrence Gregory Maguire and VPSI, Inc., At Law No. CL14-0973 in the Circuit Court of Prince William County nunc pro tunc as of February 6, 2014 conditioned on the order stating that before her Chapter 13 case is closed, Deborah Padula shall report to the Chapter 13 Trustee any proceeds received from said state court personal injury action minus attorney's fees paid to Deborah Padula's attorney, damages for medical payments and damages for lost wages.

DEBORAH PADULA
By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of February, 2015, a true copy of the foregoing Motion to Authorize Debtor, Deborah Padula to Prosecute State Court Personal Injury Action Nunc Pro Tunc as of February 6, 2014 was served electronically pursuant to this Court's CM/ECF procedures on: Thomas P. Gorman, Trustee, 300 N. Washington Street, Suite 400, Alexandria, Virginia 22314.

/s/ John T. Donelan
JOHN T. DONELAN